

---

By: **Delegates Owings, Amedori, Anderson, Aumann, Boschert, Boteler, Bromwell, Burns, Conroy, Costa, C. Davis, DeBoy, Donoghue, Dwyer, Elliott, Elmore, Frank, Glassman, Hogan, Impallaria, Kach, Kelly, Krysiak, Leopold, McConkey, McDonough, Mitchell, Myers, O'Donnell, Parker, Parrott, Smigiel, Sophocleus, Stocksdale, Trueschler, V. Turner, Weir, Weldon, and Wood**

Introduced and read first time: January 30, 2004  
Assigned to: Health and Government Operations

---

A BILL ENTITLED

1 AN ACT concerning

2 **Human Cloning Prohibition Act of 2004**

3 FOR the purpose of prohibiting a person from performing or attempting to perform  
4 human cloning, participating in an attempt to perform human cloning,  
5 transferring or receiving the product of human cloning, or transferring certain  
6 items for the purpose of human cloning; providing a description of certain items  
7 that may be produced resulting from scientific research using certain cloning  
8 techniques; establishing certain criminal and civil penalties; providing for the  
9 construction of certain provisions of this Act; defining certain terms; and  
10 generally relating to prohibiting human cloning.

11 BY adding to  
12 Article - Criminal Law  
13 Section 10-801 through 10-803 to be under the new subtitle "Subtitle 8. Human  
14 Cloning Prohibition Act"  
15 Annotated Code of Maryland  
16 (2002 Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Criminal Law**

20 **SUBTITLE 8. HUMAN CLONING PROHIBITION ACT.**

21 10-801.

22 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
23 INDICATED.

1 (B) "HUMAN CLONING" MEANS HUMAN ASEXUAL REPRODUCTION  
2 ACCOMPLISHED BY INTRODUCING THE NUCLEAR MATERIAL OF ONE OR MORE  
3 HUMAN SOMATIC CELLS INTO A FERTILIZED OR UNFERTILIZED OOCYTE WHOSE  
4 NUCLEUS HAS BEEN OR WILL BE REMOVED OR INACTIVATED TO PRODUCE A LIVING  
5 ORGANISM AT ANY STAGE OF DEVELOPMENT WITH A HUMAN OR PREDOMINANTLY  
6 HUMAN GENETIC CONSTITUTION.

7 (C) "HUMAN SOMATIC CELL" MEANS A DIPLOID CELL OBTAINED OR DERIVED  
8 FROM A LIVING OR DECEASED HUMAN BODY AT ANY STAGE OF DEVELOPMENT.

9 (D) "NUCLEAR TRANSPLANTATION" MEANS TRANSFERRING THE NUCLEUS OF  
10 A HUMAN SOMATIC CELL INTO AN OOCYTE FROM WHICH THE NUCLEUS OR ALL  
11 CHROMOSOMES HAVE BEEN OR WILL BE REMOVED OR RENDERED INERT.

12 (E) "NUCLEUS" MEANS THE CELL STRUCTURE THAT HOUSES THE  
13 CHROMOSOMES.

14 (F) "OOCYTE" MEANS THE FEMALE GERM CELL OR EGG.

15 10-802.

16 (A) A PERSON MAY NOT:

- 17 (1) PERFORM OR ATTEMPT TO PERFORM HUMAN CLONING;
- 18 (2) PARTICIPATE IN AN ATTEMPT TO PERFORM HUMAN CLONING;
- 19 (3) TRANSFER OR RECEIVE THE PRODUCT OF HUMAN CLONING; OR
- 20 (4) TRANSFER OR RECEIVE, IN WHOLE OR IN PART, ANY OOCYTE,  
21 EMBRYO, FETUS, OR HUMAN SOMATIC CELL FOR THE PURPOSE OF HUMAN CLONING.

22 (B) (1) THIS SUBTITLE MAY NOT BE CONSTRUED TO RESTRICT A PERSON  
23 FROM CONDUCTING OR ATTEMPTING TO CONDUCT SCIENTIFIC RESEARCH NOT  
24 SPECIFICALLY PROHIBITED BY THIS SUBTITLE.

25 (2) A PERSON MAY CONDUCT OR ATTEMPT TO CONDUCT SCIENTIFIC  
26 RESEARCH THAT USES NUCLEAR TRANSFER OR OTHER CLONING TECHNIQUES TO  
27 PRODUCE:

- 28 (I) MOLECULES;
- 29 (II) DNA;
- 30 (III) CELLS OTHER THAN HUMAN EMBRYOS;
- 31 (IV) TISSUES;
- 32 (V) ORGANS;
- 33 (VI) PLANTS; OR

1 (VII) ANIMALS OTHER THAN HUMANS.

2 10-803.

3 (A) A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A FELONY AND ON  
4 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE  
5 NOT EXCEEDING \$100,000 OR BOTH.

6 (B) (1) THE SECRETARY MAY ASSESS A CIVIL PENALTY AGAINST ANY  
7 PERSON WHO VIOLATES THIS SUBTITLE OF NOT LESS THAN \$1,000,000 OR THE  
8 APPLICABLE AMOUNT UNDER PARAGRAPH (2) OF THIS SUBSECTION, WHICHEVER IS  
9 GREATER.

10 (2) IF THE VIOLATOR DERIVES PECUNIARY GAIN FROM THE  
11 TRANSACTION, THE SECRETARY MAY ASSESS A CIVIL PENALTY OF NOT MORE THAN  
12 TWO TIMES THE GROSS PECUNIARY GAIN RESULTING FROM THE VIOLATION.

13 (C) THE CIVIL PENALTIES ASSESSED AGAINST A PERSON WHO VIOLATES THIS  
14 SUBTITLE SHALL BE PAID TO THE GENERAL FUND.

15 (D) IF ANY PERSON FAILS TO PAY ANY PENALTY ASSESSED UNDER THIS  
16 SECTION, A CIVIL ACTION FOR RECOVERY OF THE PENALTY MAY BE BROUGHT BY  
17 THE STATE AGAINST THE PERSON.

18 (E) THIS SECTION MAY NOT BE CONSTRUED TO GIVE A PERSON A PRIVATE  
19 RIGHT OF ACTION.

20 (F) A VIOLATION OF THIS SUBTITLE IS GROUNDS FOR THE DENIAL OF AN  
21 APPLICATION FOR, DENIAL OF RENEWAL OF, OR REVOCATION OF ANY LICENSE,  
22 PERMIT, CERTIFICATION, OR ANY OTHER FORM OF PERMISSION REQUIRED TO  
23 PRACTICE OR ENGAGE IN ANY TRADE, OCCUPATION, OR PROFESSION REGULATED BY  
24 THE STATE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2004.